

ORIGINAL

Receipt Number  
561183

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LYNN A. MORRISON,

Plaintiff,

VS.

**B. BRAUN MEDICAL INC.**  
*a body corporate;*

Defendant.

Case: 2:07-cv-13567  
Assigned To: Lawson, David M  
Referral Judge: Morgan, Virginia M  
Filed: 08-24-2007 At 01:33 PM  
CMP MORRISON V B. BRAUN MEDICAL INC  
(EW)

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**Deborah L. Gordon PLC**  
**Deborah L. Gordon (P27058)**  
Attorneys for Plaintiff  
33 Bloomfield Hills Parkway, Suite 275  
Bloomfield Hills Michigan 48304  
Telephone 248 258 2500  
[dgordon@deborahgordonlaw.com](mailto:dgordon@deborahgordonlaw.com)

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

***Jurisdiction and Parties***

1. This is an action for retaliation in violation of public policy ("public policy tort"), and for tortious interference with a business relationship or expectancy.
2. Plaintiff's claims arise out of her employment relationship with Defendants **B. Braun Medical Inc.**
3. Plaintiff **Lynn A. Morrison** (hereafter "Plaintiff") is a resident of Michigan and resides within the Eastern District of Michigan.
4. Defendant **B. Braun Medical Inc.** (hereafter "Defendant") is a foreign corporation, incorporated in the State of Pennsylvania, with its principal place of business in Bethlehem,

Pennsylvania.

5. The events underlying this Complaint occurred in the Eastern District of Michigan.

6. The amount in controversy exceeds Seventy Five Thousand (\$75,000) Dollars, exclusive of interest, costs and attorney fees and the matter is otherwise within the jurisdiction of this Court.

7. This Court has jurisdiction pursuant to 28 USC §1332.

***Background Facts***

8. Plaintiff has more than 25 years of experience in the sale of medical products and equipment, is a registered nurse and has a Masters in Business Administration.

9. Defendant is a private corporation manufacturing and distributing medical instruments and apparatus.

10. On or around October 12, 1998, Plaintiff began her employment with Defendant as a Pain Control Specialist II and was responsible for the sale of B. Braun/McGaw's Pain Control Products.

11. In or around October 1999, Plaintiff was promoted to a Senior Critical Care Specialist and her salary was increased accordingly. Plaintiff received additional merit salary increases on October 2000, October 2001, March 2002, March 2003, March 2004, and March 2005.

12. During the course of Plaintiff's employment with Defendants, she performed her job duties in a manner that was satisfactory or better.

13. Beginning in 2000 and continuing throughout the course of her employment with Defendant, Plaintiff objected on numerous occasions to her employer's practices that allowed medical/pharmaceutical products to be promoted by sales representatives in an illegal, non-FDA-approved manner. Plaintiff also objected on numerous occasions to her employer's practices in

violation of federal anti-kick back laws and discounting products to group purchasing organizations in violation of federal statutes.

14. Beginning in 2001 and continuing throughout the course of her employment, Defendant's harassment and retaliation of Plaintiff escalated.

15. Plaintiff was terminated by Defendant on April 2, 2007, in retaliation for her efforts to prevent violations of federal laws and regulations.

***Count I***  
***Retaliation in Violation of Public Policy ("Public Policy Tort")***

16. Plaintiff repeats and realleges Paragraphs 1 through 15 set forth above with the same force and effect as though set forth in full herein.

17. During the course of her employment with Defendant B. Braun, Plaintiff refused to violate the law, refused to acquiesce in violations of law and internally objected to illegal practices.

18. In particular, Plaintiff raised internal objections to Defendant B. Braun's noncompliance with anti-kick back statutes and those governing discount pricing, as well as Defendant's acquiescence in the promotion of non-FDA approved uses for medical products.

19. Defendants' retaliation against Plaintiff was motivated by her refusal to violate the law and acquiesce in violations of law and for her internal objections to illegal practices.

20. Defendants' retaliation against Plaintiff violates clearly established public policy of the State of Michigan that an employer may not retaliate against an employee where the alleged reason for the retaliation was the failure or refusal to violate a law or rules and regulations of the United States during the course of her employment.

21. As a direct and proximate result of the violation of Plaintiff has sustained injuries and damages, including, but not limited to: loss of past and future lost earnings and earning capacity; loss of career opportunities; physical, mental, and emotional distress; embarrassment;

humiliation; anxiety about the future; damage to her good name and reputation; and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of her choice.

***RELIEF REQUESTED***

For all the foregoing reasons, Plaintiff Lynn A. Morrison demands judgment against the Defendant as follows:

**A. Legal Relief:**

1. Compensatory damages in whatever amount above \$75,000 she is found to be entitled;
2. Exemplary damages in whatever amount above \$75,000 she is found to be entitled;
3. Punitive damages in whatever amount above \$75,000 she is found to be entitled;
4. A judgment for lost wages and benefits in whatever amount above \$75,000 she is found to be entitled;
5. An award of interest, costs and reasonable attorney fees.

**B. Equitable Relief:**

1. An injunction out of this Court prohibiting any further acts of wrongdoing.
2. An award of interest, costs and reasonable attorney fees.
3. Whatever other equitable relief appears appropriate at the time of final judgment.

**DEBORAH L. GORDON, PLC**



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Deborah L. Gordon (P27058)  
dgordon@deborahgordonlaw.com  
Attorneys for Plaintiff  
33 Bloomfield Hills Parkway, Suite 275  
Bloomfield Hills Michigan 48304  
Telephone 248 258 2500

Dated: August 17, 2007

**JURY DEMAND**

Plaintiff **Lynn A. Morrison**, by her attorneys **Deborah L. Gordon, PLC**, hereby demands  
a trial by jury of all the issues in this cause.

**DEBORAH L. GORDON, PLC**



Deborah L. Gordon (P27058)

dgordon@deborahgordonlaw.com

Attorneys for Plaintiff

33 Bloomfield Hills Parkway, Suite 275

Bloomfield Hills Michigan 48304

Telephone (248) 258 2500

Dated: August 17, 2007

JS 44 (Rev. 11/04)

**ORIGINAL COVER SHEET**County in which this action arose LIVINGSTON

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

MORRISON, LYNN A.

**DEFENDANTS**

B. BRAUN MEDICAL INCORPORATED

(b) County of Residence of First Listed Plaintiff LIVINGSTON  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEBORAH GORDON, LAW OFFICE OF DEBORAH L. GORDON  
33 BLOOMFIELD HILLS PARKWAY  
BLOOMFIELD HILLS, MI 48304 (248)258-2500

**II. BASIS OF JURISDICTION** (Select One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Select One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Select One Box Only)

CONTRACT	TORTS	LABOR	LABOR	SOCIAL SECURITY	FEDERAL TAX SUITS	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 <input type="checkbox"/> 620 <input type="checkbox"/> 625 <input type="checkbox"/> 630 <input type="checkbox"/> 640 <input type="checkbox"/> 640 <input type="checkbox"/> 660 <input type="checkbox"/> 690 Other Safety/Health	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSIB Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 41 Voting <input checked="" type="checkbox"/> 42 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 310 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition				

Case: 2:07-cv-13567

Assigned To: Lawson, David M

Referral Judge: Morgan, Virginia M

Filed: 08-24-2007 At 04:25 PM

CMP MORRISON V B. BRAUN MEDICAL INC (EW)

**V. ORIGIN**

(Select One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC 1332

Brief description of cause:

Employer terminated employee in violation Michigan law.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$  
MORE THAN \$75,000

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 24, 2007

SIGNATURE OF ATTORNEY OF RECORD

Deborah L. Gordon

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**PURSUANT TO LOCAL RULE 83.11**

1. Is this a case that has been previously dismissed?

☐ Yes☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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